

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DERRICK J. ELLERBE,
Plaintiff,

v.

SEPTA
Defendant.

:
:
:
:
:
:
:

CIVIL ACTION NO. 23-CV-4134

ORDER

AND NOW, this 9th day of November, 2023, upon consideration of Plaintiff Derrick J. Ellerbe's Motion to Proceed *In Forma Pauperis* (ECF No. 1), and *pro se* Complaint (ECF No. 2) it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. The Complaint is **DISMISSED WITH PREJUDICE** as frivolous for the reasons in the Court's Memorandum.
4. The Court certifies that any appeal from this Order is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3)(A).
5. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

BY THE COURT:

/s/ **Michael M. Baylson**

MICHAEL M. BAYLSON, J.